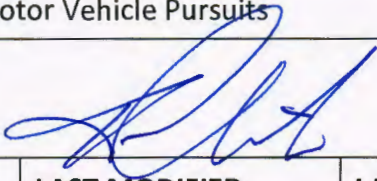


**SAN JUAN COUNTY SHERIFF'S OFFICE
POLICIES & PROCEDURES**



This directive is for internal use only and does not enlarge an employee's civil liability in any way. The directive should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. Violations of this directive, if proven, can only form the basis of a complaint by the San Juan County Sheriff's Office for non-judicial administrative action in accordance with the rules and laws governing employee discipline.

DIRECTIVE TYPE: Policy	SUBJECT: Motor Vehicle Pursuits	NUMBER: OPER-308.00	PAGES: 8
APPROVED BY: Sheriff Ken Christesen 		NMLEA STANDARDS: OPR.01.09 (a – i)	
EFFECTIVE DATE: 11/11/2018	LAST MODIFIED: 9/27/2018	LAST REVIEW: 9/27/2018	APPLICABILITY: LE

PURPOSE:

This policy, the basis of which is derived from "Pursuit Policies" (29-20-4 NMSA 1978) and "Authorized Emergency Vehicles" (66-7-6 NMSA 1978), is meant to enhance citizen, deputy, and suspect safety by providing written directives to govern the initiation, continuation, and termination of motor vehicle pursuits.

POLICY:

It is the policy of the San Juan County Sheriff's Office to initiate or continue a motor vehicle pursuit only when the need to apprehend the suspect, due to the threat they pose while at large, is greater than the risk posed to citizens and deputies by the pursuit itself.

DEFINITIONS:

The following definitions will apply for the purposes of this policy:

- **Active Involvement** – Operating as the primary or secondary pursuit vehicle.
- **Patrol Supervisor** – The supervisor (sergeant, corporal, lieutenant) in charge of patrol at the time of a pursuit.

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- **Probable Cause** – Facts and circumstances within a deputy's knowledge, sufficient to cause a prudent person to believe that a suspect has committed, is committing, or is about to commit a crime.
- **Pursuit** – An attempt by a deputy to apprehend an occupant of a motor vehicle, the driver of which is actively attempting to avoid apprehension by exceeding the speed limit; or is committing non-speed related moving violations to avoid apprehension.
- **Reasonable Suspicion** – Less than probable cause but more than a mere hunch. Specific and articulable facts and inferences that would lead a reasonable officer to believe a person has been, is, or is about to be, engaged in criminal activity. The "reasonable officer" standard, is one in which an officer in the same circumstances could reasonably arrive at the same conclusion. A combination of particular facts, even if individually harmless, can form the basis of reasonable suspicion.
- **Violent Felony** – For the purposes of this policy: homicide, criminal sexual penetration, armed robbery, kidnapping/false imprisonment, felony aggravated battery inflicting great bodily harm, and aggravated assault with a deadly weapon.

PROCEDURE:

PURSUIT INITIATION REQUIREMENTS (OPR.01.09 (a))

The responsibility for the decision to initiate a pursuit rests with the initiating deputy. A deputy will not be criticized nor disciplined for a decision to not engage or continue in a pursuit.

A deputy may initiate or become involved in a motor vehicle pursuit to apprehend a suspect only when one of the following circumstances exists:

- **Violent Felony Related** – A pursuit may be initiated when there is reasonable suspicion to believe that the fleeing subject has committed or is committing a violent felony, and it is reasonable to believe that while they are at large they pose a clear and immediate threat of death or serious injury to others.
- **Traffic Related** – A pursuit may be initiated when there is probable cause to believe that the driving behavior of the fleeing subject poses a clear and immediate threat to the safety of others, and the threat (driving behavior) existed prior to the attempt to stop.

PURSUIT CONTINUATION REQUIREMENTS AND PROHIBITIONS (OPR.01.09 (a))

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The primary concern in a vehicle pursuit is the safety of citizens and deputies. When deciding whether or not to initiate and/or continue a pursuit, a deputy must continually weigh multiple factors. These include, but may not be limited to:

- Whether the suspect is posing a clear and immediate threat of death or serious injury to others.
- The seriousness of the offense for which the pursuit was initiated.
- The suspect's driving behavior to include speed.
- Knowledge of the suspect's identity, possible destination, or other information that may make apprehension at a later time feasible.
- A realistic possibility of apprehension exists and there is an ongoing coordinated effort to not only follow the vehicle but a plan to stop the fleeing vehicle.
- The location, time of day, and present population density, taking into consideration school zones, residential streets, and congested business districts.
- Weather, traffic, and road conditions.
- Design and ongoing condition of the vehicles involved, including consideration for brake fade and tire damage.

Pursuits will not be initiated or continued when the immediate danger to the deputy or the public created by the pursuit (excessive speed and dangerous driving) exceeds the immediate danger to the public if the occupants of the vehicle being pursued remain at large (NMSA 29-20-4 (C)(2)).

Deputies are prohibited from initiating or continuing a pursuit through an active school zone.

Absent specific authorization from the patrol supervisor, deputies are not permitted to pursue a motorcycle, ATV, or other off-highway vehicle. Supervisory approval will be contingent upon the need, and a realistic opportunity, for apprehension.

VEHICLES QUALIFIED TO ENTER A PURSUIT

Only Sheriff's Office vehicles equipped with operational emergency lights, an operational audible siren, and a means of maintaining constant radio communication will become actively involved in a pursuit. While this allows for unmarked vehicles (e.g., detectives and administration) to engage in a pursuit, it is preferred that at least one marked patrol vehicle is actively involved. No deputy will become actively involved in a pursuit without first activating their emergency lights and siren. It is permissible for non-equipped units to be involved in other aspects of an apprehension plan.

No deputy will become actively involved in a pursuit in which two law enforcement vehicles are already engaged unless otherwise directed by the Sheriff's Office patrol supervisor. Seatbelts will be worn by deputies involved in a pursuit.

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Deputies with civilian passengers will not become actively involved in a pursuit. They may be involved in a support function such as blocking intersections or deploying tire deflation devices. Deputies transporting prisoners will not become involved in a pursuit in any manner.

PURSUIT INITIATION PROCEDURES

Emergency lights and siren will be utilized for any catch-up period where the deputy is driving above the posted speed limit or violating other traffic laws as stated in 66-7-6 NMSA 1978.

When it is reasonable to believe that a driver will refuse to yield when ordered to do so (e.g., a suspected stolen vehicle), and knowing that a pursuit would not be justified without other factors, deputies should try to gain information that might help to identify the suspect before initiating a traffic stop. Any actions taken by a deputy to gather information must be done in a safe manner and in accordance with all traffic laws.

Once it is apparent that the driver of a vehicle is refusing to stop, and a pursuit is initiated, the deputy will notify the Communications Authority as soon as reasonably possible of the pursuit and the following information:

- Location and direction of travel.
- Specific reason for the initiation of the pursuit.
- Speeds, road conditions, traffic conditions, and driving behavior.
- Description of the vehicle, including the license plate number, if known.
- Number and brief description of occupants of the vehicle, if known.

COMMUNICATIONS AUTHORITY RESPONSIBILITIES (OPR.01.09 (d))

Immediately upon being advised of the initiation of a pursuit, the Communications Authority should declare emergency radio traffic on the primary radio channel and notify the patrol supervisor of the pursuit. If either of these do not occur, the initiating deputy should specifically request it to be done.

PATROL SUPERVISOR'S RESPONSIBILITIES (OPR.01.09 (e))

Command of pursuits will default to the patrol supervisor. In the event a member of a specialized unit (detectives, narcotics, etc.) initiates a pursuit, the supervisor from the specialized unit will coordinate with the patrol supervisor and provide any critical information which may affect the authorization or termination of the pursuit.

Upon being notified of a pursuit, the patrol supervisor will verify the following information:

- Specific reason for the initiation of the pursuit.

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- Speeds, road conditions, traffic conditions, and driving behavior.
- Location and direction of travel.
- Number of police vehicles involved in the pursuit.

The patrol supervisor has the ultimate responsibility and authority for the decision to permit or terminate a pursuit and is required to do so on the radio as quickly as reasonably possible based on the information available. If the information relayed is inadequate, the patrol supervisor will cancel the pursuit. Patrol supervisors will not be held responsible for allowing a pursuit to continue based on information they receive which is later deemed to be inadequate for policy compliance.

The patrol supervisor's overall responsibility does not relieve the involved deputies from exercising good judgment, based on existing conditions and policy, to make an independent decision to initiate, continue, or terminate a pursuit when appropriate.

The patrol supervisor will continuously monitor and, when appropriate, direct the tactics of the pursuit and apprehension efforts.

PURSUIT OPERATION PROCEDURES (OPR.01.09 (b & c))

The authority of deputies involved in a pursuit is always subordinate to the command of the patrol supervisor. Specific authorization by a patrol supervisor to continue a pursuit is required within a reasonable time frame.

Deputies actively involved in a pursuit must continuously re-evaluate whether the need for immediate apprehension outweighs the danger being created by the pursuit and will decide to continue or terminate the pursuit based on this requirement.

Until a secondary pursuit vehicle is present, the primary pursuit vehicle will provide updated information to the Communications Authority concerning the direction of travel, speed, and traffic conditions as such information becomes available. Once a secondary pursuit vehicle has become involved, that vehicle should assume the role of primary radio communications. This does not prohibit the primary pursuit vehicle from relaying or supplementing pertinent information over the radio when needed.

Deputies involved in a support function during a pursuit are prohibited from "paralleling" or attempting to overtake or pass the pursuit vehicles to try and get ahead of the pursuit. This does not prohibit deputies already ahead of the pursuit from travelling in a manner consistent with the Sheriff's Office [Responding to Calls for Service Policy](#) to be in a better position to deploy a tire deflation device or assist with area containment.

RESPONSE TO WRONG-WAY DRIVING

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If a vehicle being pursued is driving in the opposite direction for which a lane of travel is intended, the deputy will, if safe to do so, parallel the subject from the correct lane of travel, and attempt to alert head-on traffic of the subject's position and direction of travel within their lane. Deputies will not drive in the wrong lane of traffic to pursue a vehicle. This does not prevent a deputy from moving into the wrong lane of traffic for a brief moment to utilize deadly force when such force is objectively reasonable. In these circumstances, the need to apply deadly force must clearly outweigh the risk created by the deputy.

PURSUIITS LEAVING SAN JUAN COUNTY SHERIFF'S OFFICE JURISDICTION (OPR.01.09 (g))

A Sheriff's Office patrol supervisor must specifically authorize a pursuit to continue into another county, state, or Indian reservation. The pursuing deputies will not make assumptions on this matter.

As soon as it seems likely that the pursuit may enter another jurisdiction, the Sheriff's Office patrol supervisor will request the Communications Authority to notify a supervisor in that jurisdiction.

If a pursuit is continued into another jurisdiction, when a police vehicle from that jurisdiction enters the pursuit, the deputy may relinquish the primary pursuit vehicle position and control to that agency's vehicle, as soon as safely possible. The Sheriff's Office patrol supervisor will make the decision as to how many deputies will continue to assist the other agency in the pursuit.

PURSUIITS ENTERING SAN JUAN COUNTY SHERIFF'S OFFICE JURISDICTION (OPR.01.09 (g))

Upon learning of a pursuit entering the Sheriff's Office jurisdiction, the Communications Authority should immediately notify the Sheriff's Office patrol supervisor and deputies and provide all available information.

A Sheriff's Office patrol supervisor's authorization is required for deputies to become actively involved in pursuits initiated by other agencies. When time permits, it is preferred that deputies obtain the patrol supervisor's authorization to assist in a support function such as providing traffic control, deploying a tire deflation device, and/or area containment/suspect apprehension. The Sheriff's Office patrol supervisor should warn a pursuing agency of any known impending dangers if the pursuit continues. To take over a pursuit, the originating agency's reason for initiation must fit within the requirements of this policy.

Should a deputy be the first to discover a pursuit initiated by another agency which enters the Sheriff's Office jurisdiction, that deputy will notify the Communications Authority of all known information including the number of police vehicles actively involved in the pursuit.

FORCIBLE STOPPING OF PURSUED VEHICLES (OPR.01.09 (f))

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Pursuant to their training, deputies may deploy an issued tire deflation device to try and stop a fleeing suspect. Tire deflation devices will not be used on motorcycles or three wheeled ATVs unless the use of deadly force is objectively reasonable.

The successful deployment of a tire deflation device does not create a duty to initiate or continue a pursuit. However, if a pursuit is terminated after a tire deflation device has been successfully deployed, there must be a reasonable effort to travel in the same direction the suspect was last seen driving in the event the suspect causes a crash or puts themselves in a position to be apprehended. Deputies tracking a suspect for this purpose must obey all traffic laws and have their in-car video turned on (when equipped).

Unless deadly force is objectively reasonable, the Sheriff's Office does not permit the use of vehicle intervention techniques such as ramming or the P.I.T. maneuver. If a suspect's actions escalate to a level where the use of deadly force is reasonable, deputies will abide by the Sheriff's Office [Use of Force Policy](#).

TERMINATION OF THE PURSUIT (OPR.01.09 (h))

The decision to terminate a pursuit rests with both the primary pursuit deputy and the patrol supervisor. Neither the deputy nor the patrol supervisor will be criticized or disciplined for their decision to terminate a pursuit based on their judgment.

A pursuit will be terminated under any of the following circumstances:

- The pursuit was erroneously initiated or continued under one of this policy's prohibitions.
- It is reasonable to believe that the immediate danger to the public or the deputy being created by the pursuit (excessive speed and dangerous driving) exceeds the immediate danger to the public that exists if the occupant(s) remains at large.
- The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer a need for immediate apprehension that outweighs the inherent danger of the pursuit.
- The traffic, roadway, vehicle(s) condition, or environmental conditions create an unreasonably dangerous condition for the pursuit.
- The pursuit vehicles are no longer in visual contact with the suspect.
- The deputies involved in the pursuit no longer have contact with the Communications Authority or the Sheriff's Office patrol supervisor.

Once a decision has been made to terminate a pursuit, the use of emergency equipment will be discontinued, and deputies will reduce their speed to the posted speed limit. Deputies may continue to travel, obeying all traffic laws, in the same direction the suspect was last seen driving in case the suspect causes a crash or puts themselves in a position to be apprehended. The in-car

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video will continue to record the incident during this post-termination tracking period (when equipped).

If a pursuit is terminated, a thorough investigation will be conducted to attempt to identify and charge the suspect.

APPREHENSION

When possible, felony stop procedures should be used to take the driver into custody. If it is reasonable to believe passengers are a threat, felony stop procedures should be used to remove them from the vehicle when possible. Passengers may be secured and detained for a reasonable period of time to determine if they are involved in a crime.

PURSUIT REPORTING (OPR.01.09 (i))

All vehicle pursuits, to include those which are terminated (regardless of apprehension or suspect identification), will be reported by deputies on a Pursuit Report and an incident report. These will be completed in their entirety, without minimization or omissions.

The Pursuit Report only needs to be completed by the initiating deputy. All other involved deputies (e.g., secondary unit, replacement primary unit, and those deploying a tire deflation device) must complete an incident report supplement to document their actions during the incident.

Any deputy becoming actively involved in a pursuit entering San Juan County from another jurisdiction will complete a Pursuit Report and an agency assist report. Deputies involved by means of successfully deploying a tire deflation device must complete an agency assist report.

Any use of force occurring during a pursuit incident will be reported on a Use of Force report and detailed in the incident report.

All reports will be submitted to the appropriate supervisor before the end of the shift absent specific authorization to submit it later. If a deputy is unable to fill out the Pursuit Report because of an injury, a supervisor will interview the deputy as soon as practical and fill out the report to the extent possible based on information learned from the injured deputy.

CROSS REFERENCES:

1. Law Enforcement Safe Pursuit Act [29-20-1 to 29-20-4 NMSA 1978]
2. Authorized Emergency Vehicles [66-7-6 NMSA 1978]
3. SJCSO Policy OPER-301 "Responding to Calls for Service"
4. SJCSO Policy OPER-304 "Use of Force"